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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

ENDL, et al.

Our Docket No. 100564-09035

Serial Number: 09/441,061

Examiner: A. Decloux

Filed: November 16, 1999

Group Art Unit: 1644

For: ANTIGEN-SPECIFIC, ACTIVATED T LYMPHOCYTES, DETECTION AND USE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

November 13, 2001

Dear Sir:

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In response to the Restriction Requirement dated September 27, 2001, a Petition for Extension of Time for one month attached hereto, applicants make the following election.

Applicants elect the grouping recited as Inventions I-XXIII, recited in claims 46-58, drawn to a complex comprising a peptide derived from glutamic acid decarboxylase. Within this grouping, applicants elect the peptide sequence of SEQ ID NO: 2.

The Examiner is also requiring election of a specific MHC molecule and a specific subtype. In accordance with this requirement, applicants elect MHC molecule DR4, and as specific subtype, applicants elect DR B1 0401.

The Examiner is also requiring election of a specific accessory stimulating component. In this regard, applicants elect IL4.

These elections are made with traverse.

Applicants respectfully submit that, contrary to the Examiner's comments, the amino acid sequences of SEQ ID NOS: 2, 3 and 19-39 exhibit common technical features, and are therefore properly examinable together. A common technical feature of the peptide sequences consist in the fact that they are derived from the GAD65 and bind to MHC-II molecules of the type DR3 or DR4. Such peptide molecules were not known before the present invention.

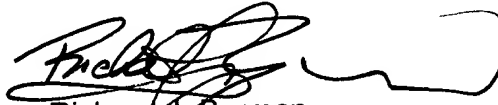
Applicants also note that claims 62 and 77 represent generic claims that are not restricted to specific peptide sequences.

Applicants also note that, according to MPEP §803.04, a reasonable number of nucleotide or amino acid sequences may be claimed in a single application. Normally 10 sequences constitute a reasonable number for examination purposes, with regard to nucleotide sequences. The MPEP indicates that amino acid sequences reciting three dimensional folds may necessitate that the reasonable number of sequences be limited to less than 10. However, in this case, the Examiner is attempting to restrict applicants to one amino acid sequence. Applicants respectfully submit that fairness allows applicants to at least a few of the sequences, even if they are otherwise considered unrelated.

Applicants request that the Restriction Requirement be withdrawn, or at least modified to include those peptides that are properly examinable together.

In the event any fees are required with this paper, please charge Deposit Account
No. 01-2300.

Respectfully submitted,
ARENT FOX KINTNER PLOTKIN & KAHN PLLC

A handwritten signature in black ink, appearing to read 'Richard J. Berman', with a large, sweeping flourish extending to the right.

Richard J. Berman
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